

SUPPLEMENTAL REPORT

16000501

CRIME: 664-187 PC, Attempt murder
245(c) PC, Assault on police officer
2800.2(a) CVC, Felony evading
10851 VC, Auto theft

VICTIM: Officer Samson Pak
Kelsey R. Hauser [REDACTED]

ARRESTEE: Geoffrey H. Sims [REDACTED]

DATE/TIME: 01/16/16 at 0131 hours

LOCATION: 320 S. Pierce Street, El Cajon

REFERENCE: Transcript of Interview with Officer Pak

FACTS:

The following is a transcript of the interview with Officer Pak. The transcript was completed by Records Specialist Jessica Caraveo of the ECPD. Also present during the interview were Detective Baldwin and Attorney Rick Pinckard.

DS – Detective Sprecco
DB – Detective Baldwin
RP – Rick Pinckard
SP – Samson Pak

January 16, 2016 @ 6:06AM

DS: Present are Detective Sprecco, Detective Baldwin, Rick Pinckard, Samson Pak regarding an officer involved shooting. And the case number is 16000501.

DS: Alright Samson, uh first of all I'm glad you're alright. Um, we don't need to introduce ourselves uh I've been on that side of the table several times, so I kinda have an idea of what you're experiencing but I really want you to um, just kinda, what we're gonna do is we're gonna go through uh what happened tonight but I really want to know um what your mindset was, what you were thinking uh everything that happened. Okay, so first what I'd like to do is uh can you tell me um, approximately how long have you been an El Cajon police officer.

SP: Two years and eleven months.

DS: Two years and eleven months, okay. And what is your current work assignment?

SP: Uh patrol.

DS: Okay and how long have you been in patrol?

SP: Two years and five months.

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DS: Okay. Um, have you been transferred to any other divisions in your uh time that you've been an El Cajon police officer.

SP: Yes.

DS: Okay what other divisions?

SP: Uh I was on the uh Joint Agency Task Force with San Diego PD.

DS: Okay. Um, any other law enforcement experience other than that?

SP: No.

DS: Okay. Have you ever been involved in an officer involved shooting?

SP: Indirectly. The one on Ellen, I was on scene.

DS: Okay so you were a witness to one?

SP: Yes.

DS: Okay. Um, what is your current work schedule?

SP: Uh Thursday, Friday, Saturday 1730 to 0600.

DS: Okay. Who do you work for?

SP: Sergeant Forster.

DS: Okay. Uh so today is your, today is your Friday?

SP: Today is...

DS: Or I'm sorry.

SP: ...yeah today is the, the mid. But I payback also.

DS: Okay.

RP: What were the hours again?

SP: 1730 to 0600.

DS: Okay. Uh so you uh, you're scheduled to work tonight, correct?

SP: Correct.

DS: Okay. Um, tell me about the last 24 hours um, let's see...so it's 6 o'clock in the morning uh yesterday when you got off work.

SP: Yes.

DS: On the 15th.

SP: Correct.

DS: Uh you went home?

SP: Uh huh.

DS: I assume?

SP: Uh huh.

DS: At what time did you get home?

SP: Um I'd say about 6:30...6:40.

DS: Okay. Approximately how long did you sleep?

SP: Until I, I base seven hours.

DS: Seven hours you sleep?

SP: Yeah.

DS: Okay. And when you woke up, what did you do before you came into work?

SP: Um was talking to my daughter about her play and um my son about baseball tryouts.

DS: Okay. Um and what, what time was that, that you woke up approximately?

SP: It was about uh I'd say 2:30...3 o'clockish.

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DS: Okay. Uh did you have anything to eat?

SP: I did and I had rice and chicken.

DS: Okay. Uh and that's your, is that your typical routine?

SP: Yeah.

DS: Okay. Um and then uh what time did you come in to work?

SP: About 5 o'clock.

DS: Okay. And interestingly, you and I ran into each other.

SP: Correct.

DS: I was in the gym.

SP: Yes.

DS: And uh you know I believe, if I remember correctly, you said have a good night and I told you to have a safe night.

SP: Yes.

DS: Uh so that's kind of interesting.

SP: Yes.

DS: Um okay and that was probably around, like you said you came in to work a little bit around 5 o'clock.

SP: Right.

DS: Okay. Um can you tell me uh about your shift leading up to this incident.

SP: Yes.

DS: What kind of calls did you respond to, what.

SP: We had a call um right out the gate with a female with a hammer.

DS: Okay.

SP: Um and that was on Jamacha. Uh and our assignment was to pick up a Deputy District Attorney as a ride-along and picked her up, drove over there, helped detain that female and then um shortly thereafter did a transport for uh days.

DS: Okay.

SP: To Las Colinas. And assisted with a 459 investigation on sector 6. I brought a camera out there and then helped with uh taking pictures and that sort of thing. And um, had C7 with the ride-along, dropped her off and then kinda did the patrol in my little sector.

DS: Uh huh.

SP: And went to sector 9, I usually kinda gravitate towards there.

DS: Okay. You're a sector 9 officer?

SP: I'm a sector 8.

DS: Sector 8 officer?

SP: Yeah.

DS: Okay. What is your uh call sign?

SP: 138

DS: Okay.

SP: And then I was in sector 9 when, when I heard the call come out for this particular um incident. Um I was about.

DS: What time was it? Approximately.

SP: After midnight.

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DS: Okay.

SP: Sometime...maybe 1ish. Um I started heading in that direction. I was about five blocks south of the original kind of original stop, I think it was somewhere on Third and Lexington, somewhere on Third, and I was um, I was.

DS: What did you, what was the radio call that you were responding to?

SP: It was a, at first it was uh Osuna put out a plate and uh it came back 10851.

DS: Okay.

SP: And I don't believe they lit it up or anything.

DS: Do you know where she was?

SP: Um, in the I think Third and I forgot what the street was...Third and Oakdale I think it was.

DS: Okay.

SP: Some of that area. Um they ended up calling (unintelligible) they were heading on Main, came down on Main and then they headed northbound on Second. And that's kinda when I said I'm 97 in the area. When I approached the scene, I heard um foot bail or something like that.

DS: Okay.

SP: I didn't see any lights or anything. I was trying to look for, cause I don't know if they pulled them over, I didn't, I was just looking for a cop car basically.

DS: Okay.

SP: Um I heard foot bail, looked over um and then I see a red car come flying out and I kind of, you know, tried to avoid it and sure enough it's that vehicle.

DS: Coming out from where?

SP: Uh the, it's either Arby's or the Taco Bell parking lot on North Second.

DS: And where were you at that time?

SP: I was on North Second, kinda driving a little bit slower just trying to see like, I don't see any vehicles.

DS: Okay. So you're responding to the area.

SP: I'm responding to the area...

DS: Because of what you hear on the radio.

SP: Yes.

DS: Uh you're on North Second.

SP: Yes.

DS: Which direction are you going?

SP: I'm going northbound on North Second.

DS: Northbound. And when you come into the area, you heard uh an officer, what did he say over the radio. He or she?

SP: Foot bail.

DS: Do you remember what that officer, who that officer was?

SP: Um I don't.

DS: Okay.

SP: Cause they were riding a two man unit.

DS: And that was Officer Osuna and?

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SP: Uh Pacheco.
DS: Pacheco. Okay. So you hear someone yell foot bail.
SP: Uh huh.
DS: Over the radio.
SP: Yeah and I.
DS: Or say foot bail.
SP: Yeah, I look around and I, I see the red vehicle, a red vehicle come flying out of the parking lot and either it goes around me and northbound or in front of me northbound, but I end up right behind it.
DS: Okay.
SP: And so I turn on my code 3 lights all the way to the maximum setting or whatever it is, um lights and sirens.
DS: So Osuna is at, pulls in front of you.
SP: Uh huh.
DS: Did you, did you already hear or receive information that it was a red car that they...
SP: Yes.
DS: Okay, so you knew it was a red car.
SP: It was a Toyota, a red Toyota or something like that.
DS: Okay. So Osuna pulled in to, in front of you, is that when you turn on your emergency lights?
SP: Uh huh.
DS: Okay.
SP: So um.
DS: Does that include the siren?
SP: It includes the siren also.
DS: Okay.
SP: So it's lights and sirens.
DS: Lights and siren. Okay.
SP: So uh I'm following it probably 50 feet back or so. Starts accelerating, makes uh accelerating northbound on North Second, makes the left turn onto I8 westbound.
DS: Okay.
SP: On Second Street. I follow it and um I'm trying to put the information out, speeds and direction and that sort of thing.
DS: Before we get on to the freeway, um so you go through uh two intersections.
SP: Correct.
DS: You would've gone through uh Second and Madison.
SP: Uh huh and Second (unintelligible).
DS: And Second and Oakdale.
SP: Uh huh.
DS: What was, what were the lights in the traffic like?
SP: Um, I would say it was lighter.
DS: Lighter traffic?
SP: Uh huh.

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DS: Okay.
 SP: And I think they were green in our favor.
 DS: Okay.
 SP: Cause I don't remember uh like slowing down and (unintelligible).
 DS: Okay.
 SP: Um just driving through so um next he goes on to the onramp, put it on the radio um heading eastbound and accelerates 80, 90, 100.
 DS: Okay.
 SP: 105 or so.
 DS: Can we, just to clarify, you said you got on Interstate 8.
 SP: Interstate 8.
 DS: What direction were you going?
 SP: Westbound.
 DS: Westbound.
 SP: Westbound yeah.
 DS: Westbound, okay cause I think you may have said eastbound.
 SP: Oh I'm sorry.
 DS: But I just want to confirm, so you're going westbound on Interstate 8.
 SP: Westbound on Interstate 8.
 DS: Okay.
 SP: Uh towards Mollison and east uh west Main exit.
 DS: Okay.
 SP: Putting out on the radio, so I say you know, speeds about 90 (unintelligible) 80, speeds about 90, now we're at 100. Um and um I hear Randall, Officer Randall Gray getting on the radio saying I am second in pursuit, I'll take the radio.
 DS: Okay.
 SP: And that was right about um either after the west uh after the Mollison off-ramp um on I8 um but it was before west Main obviously.
 DS: Okay.
 SP: So he has the radio uh I just checked to see make sure he's, how far he is back. He was within my rear view sight.
 DS: Okay.
 SP: Uh the car, I'm following in the number two lane uh no probably number three lane, so it's in the number four lane and um I'm just following at whatever speeds it's going and um it takes the sudden exit off of west Main and I take the exit also.
 DS: Okay.
 SP: Um it makes the right turn on west, west Main and makes the immediate left turn on South Pierce. And then um I put out over the radio um South Pierce is a cul-de-sac so be careful or something along those lines.
 DS: Okay.
 SP: Um so I started driving towards and I, I wanna see what it's gonna do. Obviously it's gotta make a U-turn somewhere.
 DS: Right.

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SP: Cause it's a cul-de-sac. Um so um it starts to turn around and um it's you know, coming to my direction and we're and collision is imminent and I don't know, I mean my car was on this side of the road and it was uh.

DS: Which way was he, actually I said he, because I know that now but uh the, how many occupants were in the vehicle?

SP: Um I didn't know until the collision.

DS: Okay.

SP: And then I counted.

DS: Okay.

SP: It was um, so um actually I did have a quick glance at it and I saw two passengers, so I saw the driver and a passenger when it, when it came out of the parking lot.

DS: So on Second Street.

SP: On Second, so I knew that it was at least two.

DS: Okay. So at that point you realize that there was at least a driver and a passenger.

SP: Correct.

DS: And the passenger, where was the passenger?

SP: On the driver's side rear.

DS: The driver's side rear?

SP: Yeah cause I only saw just a really quick glance and I saw two, two people in there. Um and then when, so going back to Pierce.

DS: Fast forward to Pierce.

SP: To Pierce, um uh when it was driving northbound on Pierce, so coming back towards me.

DS: Okay, so initially you were going south and it turned.

SP: It turns and you know, I'm like what's, is it gonna come towards me and so I stayed kind of on the, the right side the um the lane I guess.

DS: Okay.

SP: Um but like right middle and it's driving kind of towards me and collision is definitely imminent so I said this is gonna be the chance to either end it um and um cause it's coming at me anyways so um we collided, I collide on the passenger side door'ish, front passenger door.

DS: Uh huh.

SP: That's when I saw there was a female, male, male, male. And I saw...

DS: So there's...

SP: Four.

DS: Four occupants.

SP: And I saw um one dog.

DS: Okay.

SP: Uh driver was holding a dog and um.

DS: The driver was holding the dog?

SP: The driver was holding the dog.

DS: Okay.

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SP: Um so um apparently there was another dog after that we found out but um so I hit we collide um his car is not moving, I get out of the vehicle and I'm yelling police commands like, get out of the car, hands up but um.

DS: What side of your vehicle did you get out?

SP: The driver's side.

DS: The driver's side vehicle.

SP: Yeah um and then throws it in reverse, either hits my car again and um so I move away from my vehicle. I'm like, I'm not getting hit by my own vehicle so I move at a decent distance, it backs up um and it starts coming towards me and that's when I start firing rounds and saw glass um you know, glass shatter uh I'm moving towards my vehicle out of the way cause it's coming towards me um so I fire two rounds um and as I'm as it's coming towards me, I see I thought it was Randall Gray, could have been the CHP officer but I see another officers or vehicle come up, vehicles coming so um wasn't stopping, had no intention on stopping so I uh it didn't appear to intentional stopping cause it was still accelerating so I fired uh a few more rounds and um he puts his hands up, he's like "you shot my dog, you shot my dog, just shoot me already I give up, I give up" or something along those lines but he was pretty distraught about me shooting the dog. Um and um you know CHP officer basically walked you know comes right near me, he's like turn off the car, show me your hands and you know we're, we're both yelling like watch the crossfire cause we had two officers come on the other side.

DS: Uh huh.

SP: Um or he said line of fire and I said crossfire, something like that and um he (unintelligible) and two passengers ended up getting out of the vehicle and they detained pretty much right there.

DS: Right.

SP: Um and um uh after we get the, I think we just pulled the driver and the dog out. Cause the dog was still in its lap, the dog was like bleeding profusely.

DS: Okay.

SP: Um and so they pulled the driver and the dog out, I don't know simultaneously or was it one at a time but uh pretty quickly um detained the driver and then I saw the female, she was on she was lying on the center console and she was bleeding also and then um I called for 11-41 and um they, they uh pulled her out too.

DS: Okay.

SP: And they were working on her and then, and then I thing a Sergeant came by and he was like hey, hey come sit down or something like that or come to my car. And then that was the end of it.

DS: Okay. Um, let's back up to uh kinda where the things started to unfold.

SP: Okay.

DS: In the cul-de-sac.

SP: Yeah.

DS: Um so you're driving south?

SP: Yes.

DS: On Pierce.

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SP: Yes.
DS: Um obviously the red car was in front of you.
SP: Uh huh.
DS: Uh it enters the cul-de-sac.
SP: Yeah.
DS: Which way does it make the turn?
SP: Uh from?
DS: Clockwise or counter clockwise?
SP: Counter clockwise.
DS: Okay so it makes a counter clockwise or left hand turn.
SP: Yes and I, I almost started following it but I was like, well if I follow it, it's just gonna, I'm just gonna get behind it again so um I kinda stayed towards that side of the lane but kind of in the middle um but have enough room for him to, to get around me.
DS: And when you say that side of the lane, are you referring to the right of the lane?
SP: I'm sorry, the right side of the lane.
DS: Okay.
SP: Correct.
DS: Um and was that to give him room in case he proceeds in the opposite direction.
SP: Um I was, I was, I really wanted to see what he was gonna do.
DS: Okay.
SP: He was gonna stop, we were gonna, I was gonna pull my vehicle at him and um because um I was also part of that 211 gun thing and they did the exact same thing and they ended up stopping.
DS: Okay.
SP: Um so I was like, if he stops then I'll get him out at gunpoint and the other officers will be here. I just wanted to make sure but he, I mean he didn't. He just kept going um and he was coming towards me and I was like, so I just drove into him and (unintelligible).
DS: Okay. So was your vehicle moving when it uh the collision with the passenger side?
SP: Yes, yes.
DS: Uh what speed would you estimate your vehicle to be moving at?
SP: 25,
DS: 25 miles per hour?
SP: Yeah it wasn't, it wasn't quick.
DS: Okay.
SP: It wasn't um maybe even slower than that but it was, it wasn't um I wasn't accelerating at that point. It was kind of like, what is this guy gonna do.
DS: Uh huh.
SP: Cause if he ends up stopping and I keep going, then I'm gonna pass him.
DS: Okay.
SP: And then I'll be behind all the officers and it'll be this weird mess so.
DS: Okay. So I just want, and I understand you know your uh perception, you know what your perception may be but so you believe that your vehicle was traveling at 25 when it collided with the passenger side of that vehicle?

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SP: No it was probably slower than that cause there was not a lot of damage.

DS: Right.

SP: Um it didn't, it was probably much slower than that yeah.

DS: Okay. So but ultimately there was some contact with the front push bumper of your vehicle and the passenger side.

SP: Yes, of their vehicle.

DS: At what point did you exit your vehicle?

SP: Uh I gave it a second, not even a second. I got out of my car and I wanted to make sure that he was gonna stop. I didn't want to stay in my car just, I got out. Um it appeared that he wasn't going to continue on.

DS: Okay.

SP: And then all of a sudden he's like, puts it in reverse and um I think he clips his mirror or something on my car. Something happens where, where it causes me to move away from my vehicle.

DS: Okay.

SP: Cause I thought he was gonna push my vehicle into me.

DS: Okay.

SP: Um I get further out into the street and um and I say, stop the car. And of course he starts accelerating towards me and at that point I'm like, oh well he's gonna hit me.

DS: Okay. So his vehicle is still moving, after you're out of your vehicle.

SP: Yes.

DS: And so you were concerned that his vehicle would cause your vehicle to uh somehow move, come into contact with you.

SP: Right. The way that he was reversing, it was I believed it was gonna cause the my front end to kinda (unintelligible) that way.

DS: Okay.

SP: Cause of the pressure of his, his uh reversal I guess.

DS: Okay. So that, because of that you stepped further away from your vehicle.

SP: Uh huh.

DS: Um and if you can tell me a direction you stepped away from your vehicle or?

SP: Towards the freeway. Um which is east.

DS: So further into the east. So you, you were basically more in the roadway of Pierce.

SP: Yes.

DS: Okay. So he backs up and then uh what are you telling him?

SP: Stop the car or you know, more police commands. I was probably just telling him stop, stop, stop you know and um and then I see headlights coming towards me and um at that point it was I was kind of out on the open so um I started firing um.

DS: Uh so you're giving him commands to stop or something to that effect.

SP: Yeah.

DS: Um and you had your firearm pointed at him at that point?

SP: Yes I did.

DS: Okay um were his, were the lights on on his vehicle?

SP: Yes.

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DS: Okay. Uh and was the vehicle pointed at you?
 SP: Yes.
 DS: Okay. Um and you were in a full uniform?
 SP: Full uniform.
 DS: Uh.
 SP: Uh shiny badge, no jacket on, um gun belts uh short sleeve, patches, the whole (unintelligible).
 DS: Okay. Um full gun belt?
 SP: Full gun belt.
 DS: Okay so clearly identifiable as a police officer?
 SP: Yes.
 DS: And.
 SP: My lights were still on. They were still red and blue flashing.
 DS: Okay. Uh so you were, you were away from your vehicle though.
 SP: Uh huh.
 DS: So your, your headlights were they uh now pointed in a different direction that the vehicle is coming at you?
 SP: It was pointing...
 DS: I guess what I'm getting at is, were your vehicle headlights pointed uh shining inside of the vehicle?
 SP: No, no definitely not because my vehicle as it came to rest as it was, is pointing in that direction and they were, they were attempting to proceed northbound on Pierce.
 DS: Okay. Did you have a spotlight on the vehicle?
 SP: No.
 DS: Okay. So...
 SP: You mean the things on the side?
 DS: Yes.
 SP: No take down, nothing.
 DS: So um did you have a flashlight out?
 SP: No I didn't.
 DS: Okay. And the headlights on his vehicle were operating?
 SP: Correct.
 DS: So they should have uh illuminated you.
 SP: Correct.
 DS: Okay. Um do you know if any other officers had uh shine spotlights or lights inside of that vehicle to uh.
 SP: Not that I know of, yeah.
 DS: Okay.
 SP: Cause I only, I only started seeing people in my peripheral um as I was firing and moving out of the way.
 DS: Okay.
 SP: I said, I said uh there's, he's still coming.

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DS: Okay. Okay uh so you get your weapon pointed at the vehicle. Um and you're giving the driver commands to stop.

SP: Uh huh.

DS: Uh did he respond to you in any way verbally or?

SP: I believe we made eye contact.

DS: Okay.

SP: And that was it. I said, stop, stop, stop or you know, show me your hands, get out of the vehicle. Um just whatever police commands I could say at the time. Um and um.

DS: What happened after that?

SP: He reversed. Um and went back a bit um and accelerated towards or southbound on Pierce, north sorry. It's like north south Pierce.

DS: No, no, no I understand.

SP: Okay. Towards me, west Main yeah.

DS: Okay. So that would actually be northbound.

SP: Northbound sorry yeah.

DS: Okay. Um what did you think was gonna happen?

SP: Uh he was gonna hit me. Like I saw the headlights and I saw that he was accelerating and I was, I wasn't gonna get pinned against my vehicle but I was kinda out in the open um and he wasn't stopping. It was, it didn't sound like his engine was accelerating or anything, it didn't sound like his tires were um just start accelerating and I said, he's probably gonna try to hit me. Um and sure enough, car's coming towards me and I fired a few rounds, get out of the way, fire a few more rounds and, and it ends up hitting I believe Gray's car, someone's car. Um and that's when it came to rest.

DS: Okay.

SP: And um and that's when he was like, okay okay...you shot my dog, might as well kill me or something, I thought it was very strange cause he was very concerned about the dog.

DS: Okay.

SP: And um not the passenger.

DS: Okay. Um backing up just a little bit, uh when he starts to come toward you, you told me you thought he was gonna hit you.

SP: Yeah.

DS: What would that cause?

SP: It probably would've killed me, cause he A) he was already driving 100 and some odd miles an hour on the freeway. He has no, the driver had no regard for safety at that point, for his passengers or for himself, for us and then even after I'd hit him, he was like I'm still gonna try to get away so um if he wasn't, if I wasn't gonna stop my vehicle, he was probably just gonna hit me and run me over and try to um drive southbound, cause I didn't know how far Gray was behind me.

DS: Right.

SP: I didn't take a look back. Um I had thought I was kinda the only one at that point cause I didn't hear any police commands coming from behind me.

DS: Uh huh.

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SP: So uh it was me and the car and I said, well I'm probably gonna lose this one if um, if uh if it hits me.

DS: How did that make you feel?

SP: Pretty scared. Yeah. I was uh, I mean yeah I didn't, I guess I've never been on that end of uh a vehicle headlight accelerating towards me in the sense that it, I mean obviously directing traffic and stuff but um but it was, it started accelerating and the only thing I could think of is he's crazy enough to, to drive crazy obviously and crazy enough to get hit and still try to drive away, he's not gonna stop it here, he's gonna run me over, he's gonna keep on going, someone's gotta stop him and I felt like I had, I was in the best position to stop him.

DS: Okay. Uh so as he's coming, as he's driving towards you, um you sounds like you fired uh several rounds from different positions or different times.

SP: Uh huh.

DS: Uh he's coming towards you um...how close was the vehicle when you first fired your weapon?

SP: I want to say...

DS: Approximately.

SP: Fifteen, twenty feet.

DS: Okay.

SP: Yeah.

DS: Uh and how many uh, how many times did you shoot that first time?

SP: Uh I wanna say two.

DS: Okay.

SP: It was two rounds and I was like, I need to get out of the way to like somewhere and um and I got to a position where he was, I felt like I was a little bit safer position, not that much. Um and I fired two more.

DS: Okay. Um where you moving when you were shooting?

SP: Uh not while I was shooting. I shot and then I moved and then I shot again.

DS: Okay. So you were standing still when you fired those first two rounds. Um and then after you fired those two, where did you move to?

SP: Uh towards my vehicle.

DS: Okay.

SP: And it was west, towards my vehicle.

DS: Okay.

SP: Um and then I was like great, if I get pinned here, that's dumb too so I felt like I was kind of on an island, had to figure something out so um as it was driving towards me I fired a few more rounds at the driver and uh in an attempt to just put an end to the uh pursuit.

DS: Okay. Um, alright. So the first two rounds, where were you in relation to the vehicle?

SP: The front.

DS: The front of the vehicle?

SP: Yeah, the front of the vehicle.

DS: Okay. And then the second two rounds, where were you in relation to the vehicle?

SP: I believe the first two, I was in the front towards the passenger side and then the second round, I was in the front towards the driver's side but I hadn't moved the whole time.

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DS: Okay. Um so you fired, you believed you fired a total of four rounds?

SP: Yes.

DS: Yes. Um and then uh after you fired the second two rounds, is when the driver essentially uh gave up. Is that fair to say?

SP: Uh yes.

DS: And that was when he was making the comments about, you shot my dog.

SP: Actually he was still driving forward when that happened. He either stopped either took his hands off the wheel or started holding his dog but he was still traveling forward um and he was he was like, just shoot me already, just shoot me and then that's when the CHP guy was like you know, turn off your car, cause I think at that point he had made impact with a vehicle and uh he was like turn off your car. And um and he was non-compliant and he was like, just shoot me cause you killed my dog already and the two passengers took that opportunity to take off and you know, one got tackled in the cul-de-sac and one got tackled a few feet away from the car. And um they got detained and um since he was still non-compliant, we ended up just taking him out of the vehicle but we saw that the dog was bleeding quite a bit, so um someone was saying "put gloves on" or something like that so um, yeah we.

DS: So the driver and the dog are still in the vehicle at that point?

SP: At that point, yes.

DS: Okay and you said that he was non-compliant. Um had you guys given him orders to get out of the vehicle?

SP: Yes. We had given him orders to turn off the car, to show us his hands um and he was, he was just talking about his dog like just "you shot my dog, I can't believe you shot my dog, just shoot me already, just kill me".

DS: Okay.

SP: Saying things like that and um and finally I believe the CHP guy just opened the door or one of our guys opened the door, pulled him out, pulled the dog out um and the dog was you know bleeding everywhere.

DS: Okay.

SP: And we ended up handcuffing him, handcuffing the other two and then once the two, the two um I'm sorry the two passengers were detained and the driver detained, I saw the female she was resting against the center console and she had blood on her chest and she was groaning. That was it basically. And uh once we took her out, he refocused his attention, the driver, (unintelligible) he was like "I'm sorry, I don't know why I did that, this was stupid, why did I do that" and um and then that's when Forster was like, hey you need to come over here and uh sit down and stay by my car and he had Boyer stay with me too so.

DS: Okay. Um uh before I ask if you have anything, uh what kind of uh, what kind of firearm do you carry?

SP: I carry a department issued Glock 22, 40 caliber.

DS: 40 caliber?

SP: Yeah.

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DS: Okay. And so you said that uh you fired, or you believe you fired a total of four times out there.

SP: Uh huh.

DS: Um how do you load your magazines? How many rounds can your magazine hold?

SP: Fifteen.

DS: Fifteen?

SP: Fifteen. And the way I load it, is I go full fifteen uh chamber one and then I put another in there.

DS: So you load fifteen rounds in the magazine.

SP: Uh huh.

DS: Put it in the well of the gun.

SP: Uh huh.

DS: You chamber one round.

SP: Uh huh.

DS: And then do you remove the...

SP: The magazine and put one more round in.

DS: Okay.

SP: And then replace (unintelligible).

DS: Okay. Um Chris do you have any questions?

DB: I have a few.

SP: Yes.

DB: Um okay, when you started pursuing the vehicle you had your lights and sirens full code 3 right?

SP: Full code 3.

DB: When you drove on to Pierce, was there any point that you turned off your siren or was your siren going the whole time?

SP: It was just going, yeah.

DB: Uh was their windows rolled on (unintelligible)?

SP: In my windows?

DB: No, the people in the (unintelligible).

SP: I couldn't tell, yeah. I couldn't tell.

DB: Uh when um obviously and there's a point where either the windows was broken or you could hear the driver speaking uh was that the first time you ever heard him talking?

SP: Yes.

DB: Okay. Um other than that, um do you know if your MVR was working?

SP: Yes, I uh during the pursuit I actually looked up, just to make sure it was recording and uh I think I saw the red record on and um.

DB: I think it was.

SP: Okay.

DB: Um do you know if that one records audio?

SP: It should. It should.

DB: Um other than that, I think that's about it. Um oh I kinda wanna break it down. When you first collided with the vehicle, you exited your patrol car right?

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SP: Yes.

DB: Okay. At that point, uh you said that the vehicle backed up and struck your car.

SP: Uh it yeah it appeared that it backed up to the point where it hit the front end, kinda rubbed up against my front end.

DB: Is that, did that cause, what did that cause you to do?

SP: Move away from my vehicle.

DB: Out of fear of?

SP: Well cause I said I didn't want to get struck by my own vehicle.

DB: So you moved away from your vehicle like kinda almost like retreating to some degree.

SP: Uh huh.

DB: Uh so as not to be struck by your vehicle.

SP: Run over yeah, run over by my vehicle.

DB: Okay. And then he backed up and started coming in your direction and at that point, so basically have the incident where he's backing up away from your vehicle, hitting your vehicle, causing the vehicle to almost, in your mindset that the vehicle might hit you.

SP: Uh huh.

DB: And so then when he backs up into the cul-de-sac more, that almost put you in a position where he's in control at that point to drive in any direction but he had only had so many directions he could go.

SP: Uh huh.

DB: So and that was in your direction obviously. Um did you, I know he asked you too, I mean at that point uh do you recall when you, you weren't next to your vehicle?

SP: Not super close um.

DB: Because you had moved away.

SP: Yes.

DB: Out of fear that it might have struck you.

SP: Uh huh.

DB: Okay, so then it kinda left you uh vulnerable in the sense that you know, when you were in (unintelligible) you don't know which way to go.

SP: Yeah because when I struck the vehicle, the distance between me and the vehicle itself was just the hood. Um it was pretty close so, when it started backing up and hitting my vehicle again, it was, I could see it like right next to me, so I was like I should probably move away from all this action right here next to it, so I don't get hit.

DB: Right. Okay. That's pretty much it.

SP: It give me a little bit of distance so that if he just backed up a little bit and tried to close the door on me or something or you know.

DB: Right.

SP: So I got some distance from between us.

DB: That's about it.

DS: I can't think of anything else.

RP: Could you see a second impact with your vehicle or did you hear something that make you believe?

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SP: I think I heard something like it either rubbed up against it or something dropped or something happened where I was like, oh I better move away because I was so focused on the passengers that I didn't realize that there was some imminent danger right there to getting run over by even my own vehicle. So something drew my attention to either the front of the car or and I said okay, he's not gonna stop. And he's not gonna care about hitting my vehicle again or hitting me so that's why I moved back.

RP: Okay.

DS: I don't have any questions.

DB: Um we're good. Alright.

DS: Okay, that will include the interview of Samson Pak. Uh January 16, 2016 at 0641am.

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